

IN THE DISTRICT COURT OF THE UNITED STATES  
DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

Deborah Bordeaux,	)	CRIMINAL NO: 4:02-673
	)	CIVIL NO: 4:09-70013
Petitioner,	)	
	)	
vs.	)	
	)	<b>ORDER</b>
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	
_____	)	

This case was reassigned to the undersigned United States District Judge on April 14, 2009. (Doc. #660). On May 18, 2009, the petitioner filed a *pro se* motion requesting that the undersigned District Judge recuse himself from the proceedings regarding the petitioner's pending motion to vacate pursuant to 28 U.S.C. § 2255. (Doc. #665). The petitioner has asserted that the undersigned District Judge, while serving as a United States Magistrate Judge, issued two search warrants which are the subject of claims within the petitioner's motion to vacate pursuant to 28 U.S.C. § 2255. (Doc. #665).

The Court has reviewed the motion in connection with 28 U.S.C. § 455 as well as numerous cases including United States v. Beard, 811 F.2d 818 (4th Cir. 1987); United States v. Parker, 742 F.2d 127 (4th Cir. 1984)); In re Dicola, 9 F.3d 1543 (4th Cir. 1993) (unpublished table decision); Pitts v. United States, 2006 WL 3386744 (E.D. Va. 2006);and United States v. Henry 2008 WL 5110856 (N.D. W. Va. 2008). The Fourth Circuit Court of Appeals has stated that District Judges who formerly served as Magistrate Judges should not review or rule on matters handled while serving as a Magistrate Judge.

For the foregoing reasons, the petitioner's motion for recusal is granted. (Doc. #665). The Clerk of Court is directed to reassign this matter.

**IT IS SO ORDERED.**

s/Terry L. Wooten  
United States District Judge

December 4, 2009  
Florence, South Carolina